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STEWART TITLE GUARANTY COMPANY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEWART TITLE GUARANTY COMPANY,
a Texas corporation,

Plaintiff,

vs.

THE ARVIS C. AND ANNA L. FORREST
TRUST DATED MAY 20, 1971, IRIS G.
CORLEY, TRUSTEE; JOHN DOE,

Defendants.

Case No. 07-CV-01342

Date: February 14, 2008
Time: 11:00 a.m.

ORDER RE: DEFENDANT'S MOTION TO DISMISS

THIS MATTER having come on for hearing on February 14, 2008 on the Motion to Dismiss (the "Motion to Dismiss") filed by Defendant THE ARVIS C. AND ANNA L. FORREST TRUST ("Forrest Trust") in the above-captioned matter, the Forrest Trust having appeared by and through its attorney of record, Roger P. Croteau, Esq., of ROGER P. CROTEAU & ASSOCIATES, LTD.; the Motion to Dismiss having been opposed by Plaintiff STEWART TITLE GUARANTY COMPANY ("Stewart"), which appeared by and through its attorney of record, Douglas D. Gerrard, Esq., of GERRARD, COX & LARSEN; the Court having heard oral arguments thereon, having reviewed the papers, pleadings, affidavits and declarations on file herein and having carefully considered the same; the Court being fully advised in the premises, and good cause appearing therefore;

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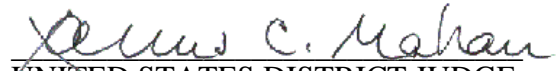
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1 The Court has determined that under the law of the Ninth Circuit Court of Appeals, an
2 insurer is not barred from invoking diversity jurisdiction to bring a declaratory judgment action
3 against an insured on an issue of coverage. GEICO v. Dizol, 133 F.3d 1220, 1225 (9th Cir. 1998).

4 The Court has further considered the factors set forth in Brillhart v. Excess Ins. Co. of
5 America, 316 U.S. 491 (1942), and has determined that this case has been appropriately brought in
6 federal court and this Court should not abstain from hearing this matter, as (i) there will be no
7 needless determination of state law issues, (ii) there is no evidence of any forum shopping, and
8 (iii) there will be no duplicative litigation as this matter must be tried by some court and the same
9 litigation and discovery will be required, whether this matter is tried in state or federal court.

10 NOW, THEREFORE, IT IS HEREBY ORDERED that Forrest Trust's Motion to Dismiss
11 is denied.

12 DATED this 26th day of February, 2008.

13 
14 UNITED STATES DISTRICT JUDGE

15 SUBMITTED BY:

16 **GERRARD COX LARSEN**

17 /s/ Douglas D. Gerrard, Esq.
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